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Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

JAMES R. BOX SR., an individual; DEBORAH A.
BOX aka DEBORAH ANNE ELIAS, an individual;
JAMES ROBERT BOX JR., an individual;
MICHAEL ALLEN BOX, an individual; and DOES 1
through 50, inclusive,

Defendants.

Case No.:

BC 7 19 13 6

COMPLAINT FOR ABATEMENT AND
INJUNCTION

[HEALTH & SAFETY CODE SECTION
11570, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. Plaintiff, the People of the State of California, brings this action pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* for the purpose of abating, preventing, and enjoining a narcotics-related public nuisance existing at a single-family house where methamphetamine is openly and routinely sold. For at least the past five years, an otherwise quiet, residential pocket of Sylmar in the northeast corner of the San Fernando Valley has been plagued by a prominent and well-known drug house located at 13744 Marchant Avenue, Sylmar, CA 91342 (the "Property"). The Property, a

1 one-story, single-family house owned by Defendants JAMES R. BOX SR. and DEBORAH A.
2 BOX (jointly "Property Owner Defendants"), initially appears no different from other homes
3 lining the streets of this peaceful suburban neighborhood. The Property, however, is home to
4 prolific drug dealers – Property Owner Defendants' sons, Defendants JAMES ROBERT BOX
5 JR. (age 38) and MICHAEL ALLEN BOX (age 36) (jointly the "Box Brother Defendants") – who
6 sell methamphetamine at the Property on a regular and continuous basis, attracting a steady
7 flow of buyers and users at all hours of the day and night, and igniting fear and frustration for
8 residents in the community.

9 2. The Los Angeles Police Department ("LAPD") is aware of the narcotics activity at
10 the Property and has expended a significant amount of time and resources addressing it.
11 Since 2013, LAPD has observed multiple "hand-to-hand" narcotics transactions occur at the
12 Property and *has made 15 narcotics-related arrests* at, or connected to, the Property. In
13 addition, LAPD officers regularly receive complaints and safety concerns from neighbors
14 describing high levels of pedestrian and vehicle traffic at the Property and open, visible drug
15 dealing on, and directly in front of, the Property. On October 11, 2017, LAPD executed a
16 search warrant at the Property resulting in the recovery of methamphetamine and
17 methamphetamine paraphernalia, and the arrest of both Box Brother Defendants for
18 possession of methamphetamine for sale (Health and Safety Code section 11379(a)).

19 3. In spite of LAPD's ongoing efforts, the narcotics activity at the Property persists.
20 On May 29, 2018 – less than one year after LAPD executed the search warrant at the Property
21 and arrested the Box Brother Defendants – LAPD conducted a probation compliance check at
22 the Property. During the check, officers found: (1) methamphetamine pipes strewn about the
23 front porch and on top of a common wall separating the Property from the house next door; (2)
24 a digital scale containing methamphetamine residue; and (3) a group of seven individuals,
25 including the Box Brother Defendants, hanging out in the front and back yards. Two of the
26 individuals were arrested for possession of methamphetamine paraphernalia (Health and
27 Safety Code section 11366), two for possession of heroin paraphernalia (Health and Safety
28 Code section 11366), one for loitering for the purpose of narcotics (Health and Safety Code

1 section 11532), and both Box Brother Defendants for maintaining a drug house (Health and
2 Safety Code section 11366).

3 4. Most recently, in July 2018, an LAPD officer patrolling the area saw an individual
4 on the Property toss an unknown object over the Property's rear fence and into an alley. The
5 officer subsequently searched that area of the alley and a found small bag containing four
6 methamphetamine pipes. As a result of this rampant narcotics-related activity over the years,
7 the Property has developed a well-deserved reputation in the community and with law
8 enforcement as being a notorious narcotics sales location that threatens the health and safety
9 of the community.

10 5. Property Owner Defendants are husband and wife who have owned the Property
11 since at least 2002 and are the parents of the Box Brother Defendants. The Box Brother
12 Defendants reside at the Property and are the primary individuals selling methamphetamine at,
13 and attracting methamphetamine buyers and users to, the Property. *Since 2013, the Box*
14 *Brother Defendants have been arrested by LAPD at the Property a combined seven times for a*
15 *wide range of methamphetamine-related violations*, including (1) possession of
16 methamphetamine (Health and Safety Code section 11377); possession of methamphetamine
17 for sale (Health and Safety Code section 11379(a)); and maintaining a drug house (Health and
18 Safety Code section 11366). LAPD has informed Property Owner Defendants that their sons,
19 the Box Brother Defendants, are engaged in the sale of narcotics at the Property, but Property
20 Owner Defendants have permitted this nuisance activity at the Property to continue.

21 6. Plaintiff is filing this lawsuit in an effort to protect public health and safety. The
22 people in the surrounding area cannot be expected to perpetually endure this ongoing
23 narcotics-related activity. The nuisance abatement prosecution is intended to bring the
24 unacceptable state of affairs at the Property to a halt; to make the Property inhospitable to the
25 drug dealers and buyers who now freely use it to deal narcotics; and to make the Property
26 safer for people in the community.

27 II. THE PARTIES AND THE PROPERTY

28 A. Plaintiff

7. Plaintiff, the People, is the sovereign power of the State of California designated

1 in California Health and Safety Code section 11571 to be the complaining party in actions
2 brought to abate, enjoin, and penalize public narcotics nuisances.

3 **B. The Defendants**

4 8. Property Owner Defendants have owned the Property since at least 2002. Upon
5 information and belief, Property Owner Defendants have at all times resided at the Property
6 since purchasing it in 2002. Property Owner Defendants allow their two adult sons,
7 Defendants JAMES ROBERT BOX JR. and MICHAEL ALLEN BOX, to reside at the Property.

8 9. Defendant JAMES ROBERT BOX JR. is the son of Property Owner Defendants.
9 Upon information and belief, Defendant JAMES ROBERT BOX JR. has resided at the Property
10 since 2002. Defendant JAMES ROBERT BOX JR. has been arrested at the Property for: (1)
11 possession of methamphetamine (Health and Safety Code section 11377); possession of
12 methamphetamine for sale (Health and Safety Code section 11379(a)); and maintaining a drug
13 house (Health and Safety Code section 1366),

14 10. Defendant MICHAEL ALLEN BOX is also the son of Property Owner Defendants.
15 Upon information and belief, Defendant MICHAEL ALLEN BOX has resided at the Property
16 since 2002. Defendant MICHAEL ALLEN BOX has been arrested at the Property for: (1)
17 possession of methamphetamine (Health and Safety Code section 11377); possession of
18 methamphetamine for sale (Health and Safety Code section 11379(a)); and maintaining a drug
19 house (Health and Safety Code section 1366).

20 11. The true names and capacities of defendants sued herein as Does 1 through 50,
21 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
22 names. When the true names and capacities of said defendants have been ascertained,
23 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
24 names the true names and capacities of said fictitiously named defendants.

25 **C. The Property**

26 The Property is a one-story, single-family home located at the commonly known
27 address of 13744 Marchant Avenue, Sylmar, CA 91342. The Property's legal description is
28 "Lot(s) 14 of Tract No. 24746, in the City of Los Angeles, County of Los Angeles, State of

1 California, as per Map recorded in Book 657 page(s) 5 and 6 of Maps, in the Office of the
2 County Recorder of Said County" with Assessor's Parcel Number 2580-001-006.

3 **III. THE NARCOTICS ABATEMENT LAW**

4 12. The abatement of a nuisance is a long-established and well-recognized exercise
5 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
6 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
7 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
8 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
9 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
10 division" (Health & Saf. Code, § 11570).

11 13. The NAL provides that every building or place used for the purpose of unlawfully
12 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
13 precursor, or analog *inter alia*, "is a nuisance which *shall* be enjoined, abated, and prevented .
14 . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added);
15 *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court*
16 (1993) 20 Cal.App.4th 866, 870-871.)

17 14. Health and Safety Code section 11571 authorizes a city attorney to bring an
18 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
19 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
20 maintained, or exists in any county, the district attorney of the county, or the city attorney of
21 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
22 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
23 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
24 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

25 15. Health and Safety Code section 11573(a) provides that: "If the existence of the
26 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
27 complaint or affidavit, the court or judge *shall* allow a temporary restraining order or injunction
28 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In

1 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
2 removal and sale of all fixtures and movable property on the premises used in aiding or
3 abetting the nuisance and for the closure of the building for up to one year.

4 **V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

5 **[Health and Safety Code Section 11570, *et seq.* --**

6 **Against Defendants and DOES 1 through 50]**

7 16. Plaintiff hereby incorporates by reference paragraphs 1 through 14 of this
8 complaint and makes them part of the First Cause of Action, as if fully set forth herein.

9 17. The general reputation of the Property in the community and amongst law
10 enforcement is that it is a location where the sale and use of methamphetamine and other
11 controlled substances takes place on an open and regular basis by the Box Brother
12 Defendants and others. Since at least 2013, the Property has been, and to continues to be,
13 used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving
14 away controlled substances in violation of Health and Safety Code section 11570, *et seq.*

15 18. Defendants, and Does 1 through 50, are responsible for conducting, maintaining,
16 and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has no plain,
17 speedy, and adequate remedy at law, and unless Defendants, and Does 1 through 50, are
18 restrained and enjoined by order of this Court, the Box Brother Defendants will continue to use,
19 occupy and maintain, and/or to aid, abet, or permit, directly or indirectly, the use, occupation
20 and maintenance of the Property, together with the fixtures and appurtenances located therein,
21 for the nuisance complained of herein, to the great and irreparable damage of the public and in
22 violation of California law.

23 **PRAYER**

24 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
25 **DECREE AS FOLLOWS:**

26 **AS TO THE FIRST CAUSE OF ACTION**

27 19. That Defendants, Does 1 through 50, and the Property, be declared in violation of
28 Health and Safety Code section 11570, *et seq.*

1 20. That the Property, together with the fixtures and moveable property therein and
2 thereon, be found to constitute a public nuisance and be permanently abated as such in
3 accordance with Section 11581 of the California Health and Safety Code.

4 21. That the Court grant a preliminary injunction, permanent injunction, and order of
5 abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety
6 Code, enjoining and restraining each Defendant and their agents, officers, employees and
7 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
8 or giving away controlled substances on the Property, and/or directly or indirectly maintaining or
9 permitting such nuisance activity.

10 22. That the Court order physical and managerial improvements to the Property in
11 accordance with California Health and Safety Code section 11573.5, and such orders as are
12 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
13 process, including but not limited to, termination of the Box Brother Defendants' tenancy at the
14 Property and a prohibition on the Box Brother Defendants being within 1,000 feet of the
15 Property at any time, for any reason; prohibiting known narcotics users and dealers from
16 accessing the Property; and strict limitations on who else may be present on the Property at all
17 times.

18 23. That as part of the Judgment, an Order of Abatement be issued, and that the
19 Property be closed for a period of one year, not to be used for any purpose, and be under the
20 control and custody of this Court for said period of time; or, in the alternative, if the Court deems
21 such closure to be unduly harmful to the community, that Defendants, and Does 1 through 50,
22 pay an amount of damages equal to the fair market rental value of the Property for one year to
23 the City or County in whose jurisdiction the nuisance is located in accordance with Health and
24 Safety Code section 11581 subdivision (c)(1).

25 24. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an
26 amount not to exceed twenty-five thousand dollars (\$25,000.00).

27 25. That Defendants, Does 1 through 50, and any agents, trustees, officers,
28 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually

1 enjoined from transferring, conveying, or encumbering any portion of the Property, for
2 consideration or otherwise, without first obtaining the Court's prior approval.

3 26. That Defendants, and Does 1 through 50, be ordered to immediately notify any
4 transferees, purchasers, commercial lessees, or other successors in interest to the subject
5 Property of the existence and application of any temporary restraining order, preliminary
6 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
7 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
8 transfer the Property, for consideration or otherwise, all or any portion of the Property that is the
9 subject of this Action.

10 27. That Defendants, and Does 1 through 50, be ordered to immediately give a
11 complete, legible copy of any temporary restraining order and preliminary and permanent
12 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest to
13 the Property.

14 28. That Defendants, and Does 1 through 50, be ordered to immediately request and
15 procure signatures from all prospective transferees, purchasers, lessees, or other successors in
16 interest to the subject Property, which acknowledges his/her respective receipt of a complete,
17 legible copy of any temporary restraining order, preliminary and permanent injunction, at least
18 30 days prior to the close of escrow, and deliver a copy of such acknowledgment to the Los
19 Angeles City Attorney's Office, c/o Deputy City Attorney Joseph L. Gonzalez or his designee.

20 29. That Plaintiff recover the costs of this Action, including law enforcement
21 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
22 \$1,000,000.00, from Defendants and Does 1 through 50.

23 30. That Plaintiff recover the amount of the filing fees and the amount of the fee for
24 the service of process or notices which would have been paid but for Government Code section
25 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of
26 the fees for certifying and preparing transcripts.

27 31. That Plaintiff be granted such other and further relief as the Court deems just and
28 proper.

1 DATED: August 23, 2018

Respectfully submitted,

2 MICHAEL N. FEUER, City Attorney

3 JONATHAN CRISTALL, Supervising Assistant City Attorney

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5
6 By:

JOSEPH L. GONZALEZ, Deputy City Attorney

7 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
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